REMARKS

Claims 1-24 are pending in this application. By this Amendment, claims 1, 3, 5-14, 16-18, 20, 22, and 23 have been amended. Support for the amendments to claims 1 and 23 is found at least at page 11, lines 7-8, of the specification. Claims 3, 5-14, 16-18, 20, and 22 have been merely amended to remove multiple dependencies. No new matter has been added.

Claims 1-4, 23, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over DE 199 23 084 A to Küpper et al.

Claims 1 and 23 recite, among other features, a water-soluble polymer or copolymer (A) which comprises at least 50% by weight of (meth)acrylic acid units and that the solubility of the crosslinker in water is at least 10 g/l. At least this combination of features of the independent claims cannot reasonably be considered to be suggested in Küpper.

Küpper suggests film-forming organic polymers as component of passivation formulations. The binders may be used in combination with crosslinkers (page 4, lines 26/27). As crosslinkers, epoxy resins, urea derivative or (blocked) isocyanates are mentioned. However, the specific combination of a water-soluble polymer comprising at least 50% by weight of (meth) acrylic acid groups with water soluble crosslinkers having a solubility in water of at least 10 g/l and comprising azirane, oxirane, or thiirane groups is not suggested in Küpper nor may be easily derived thereof.

Küpper is discussed at page 3, lines 12-27, of the specification, which states that the epoxy resins based on bisphenol A or F units and epichlorhydrin suggested in Küpper are not water soluble, as recited in claim 1. As set forth in the enclosed data sheet, conventional sparely water soluble epoxy crosslinkers, such as bisphenol A, have a solubility less than 10 g/l.

Further, the combination of a water-soluble polymer containing more than 50% by weight of (meth)acrylic acid units with a water-soluble crosslinker is not suggested in Küpper.

Moreover, a skilled artisan would not have expected to achieve the results made possible by the claimed process. For example, comparative example 3, set forth at Table 1 at page 41, which also would be encompassed by Küpper, performs not nearly as well as the inventive examples. Case in point, comparative example 3 displays a standardized withstand time of only 8 hours, whereas the inventive examples range from 21 to 30 hours. In addition, comparative example 3 demonstrates that the use of bisphenol A -as compared to the water soluble crosslinkers as claimed - gives only poor results in aqueous formulations for the passivation of metal surfaces.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 12810-00237-US1 from which the undersigned is authorized to draw.

Dated: January 4, 2010

Respectfully submitted,

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